

CRIMINAL APPLICATION NO. 3651 OF 2006
(For Leave to Appeal)

IN
CRIMINAL APPEAL NO. OF 2006

The State of Maharashtra ..Applicant

Vs.

Imtiyaz Ismail Shaikh and 3 ors. ..Respondents

Mr. A.S. Gadkari, APP for applicant-State.

CORAM: B.H. MARLAPALLE & R.S. MOHITE, JJ.

Date : February 27, 2007.

P.C.:

1. Heard Mr. Gadkari, the learned APP. Perused the impugned order of acquittal against the accused nos.1 and 2 passed by the learned Additional Sessions Judge, Gr. Bombay for the offences punishable under Sections 366A, 376, 367 read with Section 34 of IPC and Section 5 of Immoral Traffic (Prevention) Act, 1956 as well as against accused nos.3 and 4 for the offences punishable under Sections 363, 366A and 376 read with Section 34 of IPC.

The evidence considered by the learned Judge of the trial court, in so far as accused nos.1 and 2 are concerned, in our considered opinion, does not require reconsiderations by us and the order of acquittal against them for all the offences is well

reasoned. Hence we are not inclined to grant leave to appeal against accused nos.1 and 2.

. However, leave to appeal against accused nos.3 and 4 for the offences punishable under Sections 363, 366A and 376 read with Section 34 of IPC is hereby granted and the appeal is, therefore, admitted against the accused nos.3 and 4 only.

(R.S. Mohite, J.)

(B.H. Marlapalle, J.)